

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HARLEY TYNDALL,

Defendant.

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8:06CR143

ORDER

This matter is before the court on defendant's motion to continue trial [23]. A continuance is necessary because forensic testing of physical evidence has not been completed. The court's calendar can accommodate an extension of time to August 15, 2006.

IT IS ORDERED that the motion to continue trial [23] is granted in part, as follows:

1. Trial is hereby continued from **August 1, 2006** to **August 15, 2006**, before Judge Laurie Smith Camp and a jury.

2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **August 1, 2006 and August 15, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of defense counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED July 26, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**